

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

18 MAR 10 PM 8:23

U.S. DISTRICT COURT
S.D.N.Y.

SERGEI CHEPILKO

Write the full name of each plaintiff.

18 CV 2195

(Include case number if one has been assigned)

-against-

THE CITY OF NEW YORK,

POLICE OFFICER SCOTT HENRY,

SERGEANT TARAKUR CHOWDHURY,

JOHN DOE 1, JOHN DOE 2.

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

COMPLAINT

Do you want a jury trial?

☒ Yes ☐ No

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ Federal Question

☐ Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

VIOLATION OF CIVIL RIGHTS.

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:	<u>THE CITY OF NEW YORK</u>		
	First Name	Last Name	
	<u>CURRENT JOB TITLE (OR OTHER IDENTIFYING INFORMATION)</u>		
	<u>100 CHURCH STREET, NY, 10007</u>		
	<u>CURRENT WORK ADDRESS (OR OTHER ADDRESS WHERE DEFENDANT MAY BE SERVED)</u>		
	<u>NEW YORK</u>	<u>NY</u>	<u>10007</u>
	County, City	State	Zip Code
Defendant 2:	<u>SCOTT HENRY</u>		
	First Name	Last Name	
	<u>NYPD POLICE OFFICER</u>		
	<u>CURRENT JOB TITLE (OR OTHER IDENTIFYING INFORMATION)</u>		
	<u>MIDTOWN SOUTH PRECINCT</u>		
	<u>CURRENT WORK ADDRESS (OR OTHER ADDRESS WHERE DEFENDANT MAY BE SERVED)</u>		
	<u>NEW YORK</u>	<u>NY</u>	
	County, City	State	Zip Code
Defendant 3:	<u>TARAKUR CHOWDHURY</u>		
	First Name	Last Name	
	<u>NYPD SERGEANT</u>		
	<u>CURRENT JOB TITLE (OR OTHER IDENTIFYING INFORMATION)</u>		
	<u>MIDTOWN SOUTH PRECINCT</u>		
	<u>CURRENT WORK ADDRESS (OR OTHER ADDRESS WHERE DEFENDANT MAY BE SERVED)</u>		
	<u>NEW YORK</u>	<u>NY</u>	
	County, City	State	Zip Code

Defendant 4,5 JOHN DOE 1,2

First Name	Last Name	
<u>NYPD</u>	<u>POLICE OFFICERS</u>	
Current Job Title (or other identifying information)		
<u>MIDTOWN SOUTH PRECINCT</u>		
Current Work Address (or other address where defendant may be served)		
<u>NEW YORK</u>	<u>NY</u>	
County, City	State	Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence: SEVENTH AVE, BETWEEN 44 AND 45 STR, MANHATTAN.

Date(s) of occurrence: MARCH 11, 2017, APPROXIMATELY AT 10 PM.

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

PLAINTIFF APPROACHED A GROUP OF NYPD POLICE OFFICERS COMPLAINING FOR HARASSMENT AND STALKING BY TICKET SELLER WHO MADE THREATENING GESTURES TOWARDS PLAINTIFF (LIKE REPEATED CUTTING NECK BY THE HAND). SERGEANT CHOWDHURY ASSURED PLAINTIFF THAT THIS WAS FRIENDLY GESTURE "LIKE SHAVING", AND REFUSED TO INVESTIGATE COMPLAINT.

P.O. HENRY APPROACHED PLAINTIFF, AND STARTED FORCEFULLY PUSHING PLAINTIFF FROM SGT. CHOWDHURY, WHO WAS SITTING AT THE DRIVING SEAT OF POLICE VAN, SAYING "STOP TALKING TO SERGEANT". PLAINTIFF EXPLAINED TO P.O. HENRY THAT HE TALKED NOT WITH HIM, BUT WITH THE SGT. CHOWDHURY WHO GAVE ORDER PLAINTIFF TO APPROACH TO HIS DRIVING SIDE OF THE VAN. PLAINTIFF REPEATEDLY ASK SGT. CHOWDHURY TO

STOP P.D. HENRY'S AGGRESSION.

When PLAINTIFF REQUESTED BADGE NUMBERS; clearly
IN RETALIATION P.D. HENRY issued a SUMMONS TO
CRIMINAL COURT. SUMMONS WAS DISMISSED.

PLAINTIFF STATES FOLLOWING CLAIMS:

- HARASSMENT;
- ASSAULT AND BATTERY;
- MALICIOUS PROSECUTION;
- FAILURE TO INTERVENE;
- FAILURE TO PROPERLY TRAIN NYPD employees.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

EMOTIONAL DISTRESS, PUBLIC HUMILIATION.

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

DAMAGES IN THE AMOUNT TO BE DETERMINED
AT JURY TRIAL, AND WHAT COURT WILL
FIND PROPER AND JUST.

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

3/10/2018

Dated

SERGEI

S. Chepilko

Plaintiff's Signature

CHEPILKO

First Name

Street Address

Country City

State

Zip Code

Telephone Number

Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.